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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/699,974 | 11/03/2003 | Ian Zetterstrom Smith | 36246 | 5016 |
| 116 | 7590 | 11/22/2005 | EXAMINER | |
| PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108 | | | FLORES SANCHEZ, OMAR | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3724 | |

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/699,974

Applicant(s)

SMITH, IAN ZETTERSTROM

Examiner

Omar Flores-Sánchez

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 13 September 2005.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-3 and 19-33 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 26 and 27 is/are allowed.

6) Claim(s) 1-3, 19-25 and 28-33 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. _____.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/1/04, 4/13/04, 6/21/04 and 9/15/05

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

DETAILED ACTION

1. This action is in response to applicant's amendment received on 9/13/05.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 19-21, 28, 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Faher (6,260,278) in view of Everts (5,558,057).

Fasher discloses the invention substantially as claimed including a cutting head housing 100, a cutter means/rotatable cutter line 34, an elongate shaft 22, connection means 50, a hand-grippable portion 14 (see Fig. 3), an effective rotation (see col. 6, line 63-64) and an axis of rotation (see Fig. 5). Fasher does not show a hand-grippable portion located at an end of the shaft. However, Everts teaches the use of a hand-grippable portion for the purpose of better carrying the weight of the line trimmer. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Fasher's handle by providing the hand-grippable portion at the end of the shaft as taught by Everts in order to obtain a device that better carry the weight of the line trimmer.

4. Claims 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faher (6,260,278) in view of Everts (5,558,057).

The modified device of Faher discloses the invention substantially as claimed including a motor 20. Faher does not show a ball-and-socket joint. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Faher's joint, since the examiner takes Official Notice of the equivalence of upper and lower housings (52 and 60) and a ball-and-socket joint for their use in the joint connection art and the selection of any of these known equivalents to provide adjustment mechanisms to change the orientation of the cutting head would be within the level of ordinary skill in the art.

5. Claims 29- 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faher (6,260,278) in view of Everts (5,558,057) as applied to claim 1 above, and further in view of Wagster et al. (5,325,928).

The modified device of Faher discloses the invention substantially as claimed except for a wheel. However, Wagster teaches the use of a wheel 30 for the purpose of improving the stability of the trimmer device. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Faher's device by providing the wheel as taught by Wagster in order to improve the stability of the trimmer device.

Allowable Subject Matter

6. Claims 26-27 are allowed.

7. The following is an examiner's statement of reasons for allowance: The claims 26-27 are allowable because the prior art fails to teach a motor enclosed within the ball 3b of the ball and socket joint connection as set forth in claim 26.

Response to Arguments

8. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Enbusk, Notaras et al. and Foster are cited to show related device.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Flores-Sánchez whose telephone number is 571-272-4507. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ofs
11/16/05


Allan N. Shoap
Supervisory Patent Examiner
Group 3700